

## DIPLOMATIC AND CONSULAR PRIVILEGES

*Exchange of notes at Washington October 27, 1948, and February 4, 1949*

*Entered into force February 4, 1949*

Department of State files

*The Pakistani Chargé d'Affaires to the Secretary of State*

F 159/48/3

The Chargé d'Affaires of Pakistan presents his compliments to the Secretary of State and has the honour to forward herewith a copy of the instructions issued by the Government of Pakistan regarding concessions and privileges being accorded to diplomatic officers and consular officers *de carrière*, including Trade Commissioners, who are accredited to Pakistan.

As concessions and privileges to foreign representatives are accorded on a basis of reciprocity, the Government of Pakistan express the hope that the Government of the United States of America will grant similar concessions to the diplomatic and consular officers of Pakistan, as well as to the Trade Commissioners (when appointed) in this country. It is the belief of the Chargé d'Affaires that this is already substantially being done.

SECRETARY OF STATE,  
DEPARTMENT OF STATE,  
*Washington, D.C.*

*27th October, 1948.*

### GOVERNMENT OF PAKISTAN

#### MINISTRY OF FOREIGN AFFAIRS AND COMMONWEALTH RELATIONS

Concessions and privileges to be accorded to diplomatic and non-diplomatic members of foreign diplomatic Missions in Pakistan which include Embassies, Legations and High Commissions, on a basis of reciprocity. Diplomatic officers mean Heads of Foreign Missions, Counsellors, Secretaries, Attachés and Advisers.

#### 1. *Income Tax*

All the diplomatic and non-diplomatic members of diplomatic missions in Pakistan, who are nationals of the appointing State and not engaged

in any business in this country, shall be exempt from the payment of income-tax on their emoluments drawn from the Home State.

## 2. *Customs Duty*

All the diplomatic members of foreign missions and members of their families shall be exempt from the payment of customs duty on all articles, including wines, spirits and other alcoholic liquors, imported for official or personal use during the tenure of their appointment.

Their baggage, including motor car and household furniture, shall be exempt from examination and duty on their first arrival to take up appointment in Pakistan and on return from leave abroad. Heads of diplomatic missions will not be required to sign baggage declaration.

## *Official Supplies*

Articles such as official furniture, stationery, supplies, etc. sent by the Foreign Governments for the official use of their representatives in Pakistan will be admitted free of customs duty and without examination on application being made by the Head of the Mission.

While no restriction is placed upon deliveries of imported dutiable goods to privileged officials, it is expected that the quantities will not be excessive so as to amount to abuse of privilege.

3. The diplomatic members of foreign missions shall be exempt from the payment of the Provincial motor tax, fees for the issue or renewal of driving licence and registration fee on motor vehicles used for personal or official use. They will also be exempt from the requirement of passing the driving test provided they possess a driving licence.

4. The diplomatic members of foreign missions shall be exempt from the payment of licence fee for possessing firearms under the Indians Arms Act.

5. The diplomatic and non-diplomatic members of foreign diplomatic missions in Pakistan shall be exempt from the payment of licence fee for possessing a wireless set.

6. The non-diplomatic staff of foreign missions in Pakistan shall be exempt from certain provisions of the Registration of Foreigners Rules, 1939, on a basis of reciprocity. The diplomatic staff is statutorily exempt from these rules.

## GOVERNMENT OF PAKISTAN

### MINISTRY OF FOREIGN AFFAIRS AND COMMONWEALTH RELATIONS

Concessions and privileges to be accorded to foreign Consular Officers, *de carrière* and the foreign and Commonwealth Trade Commissioners in Pakistan on a basis of reciprocity. Consular officers include Consuls-General, Consuls, Vice-Consuls and Consular Agents.

## 1. *Income Tax*

Consular officers and other employees of foreign Consular offices in Pakistan, Trade Commissioners and the members of their staff, who are na-

tionals of the appointing State and not engaged in any business for private gain in this country, shall be exempt from the payment of income-tax on their emoluments received from the Home State.

## 2. *Customs duty*

On their first arrival to take up appointment in Pakistan or on return from leave abroad the foreign Consular officers and Trade Commissioners shall be exempt from baggage examination and duty. They will be required to sign baggage declaration. Baggage will include household furniture, motor car and fire-arms of non-prohibited bore.

## *Official supplies*

Articles such as official furniture, stationery, supplies, etc. sent by the Foreign and Commonwealth Governments for the official use of their Consular officers and Trade Commissioners in Pakistan will be admitted free of customs duty and without examination on application being made by the Head of the Consular office or the Trade Commissioner.

## 3. *Motor taxation*

Foreign Consular officers and Trade Commissioners in Pakistan shall be exempt from motor taxation, driving licence fee and fee for the issue or renewal of registration certificate.

4. Consular officers and Trade Commissioners shall also be exempt from the payment of licence fee for possessing a wireless set.

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## *The Secretary of State to the Pakistani Ambassador*

The Secretary of State presents his compliments to His Excellency the Ambassador of Pakistan and has the honor to refer to his Embassy's note no. F.159/48/3, dated October 27, 1948, concerning privileges granted foreign diplomatic and consular officers, as well as Trade Commissioners.

In accordance with paragraphs 10.29 and 10.30 of the United States Customs Regulations of 1943, which are enclosed,<sup>1</sup> Pakistan Diplomatic Officers and members of their families are granted free entry privileges upon arrival in the United States, whether they are stationed in the United States or are en route to or from other countries to which they are accredited. Subsequent to their arrival in the United States to take up their duties, and at any time during official residence, Pakistan Diplomatic Officers and members of their families are extended the privilege of free importation for their personal use of articles which are not prohibited by the laws of the United States. This privilege includes the importation of automobiles, new or old, since the Treasury Department considers automobiles personal effects, and as such they are entitled to free entry.

Under the terms of the United States Customs Regulations, supplies, including stationery, safes, file cabinets, and usual and necessary equipment

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<sup>1</sup> Not printed here.

intended for use in diplomatic and consular offices may be admitted free of duty. Free entry as an act of international courtesy may also be authorized for furnishings intended for use in the diplomatic or consular offices and residences. These might include rugs, glassware, china, refrigerators, and furniture.

Samples of products of Pakistan, if forming a part of a permanent exhibit in the Embassy or Consulate, may also be admitted free of duty.

In April 1948 the Department was informed by the Embassy that the customs agreement between the United States and the United Kingdom, in which India participated, was considered to be in effect for diplomatic and consular personnel of the United States in Pakistan since Pakistan (then a part of India) was a party to the agreement. Under the terms of that agreement, consular officers of career and the members of their families living with them, Trade Commissioners, and diplomatic and consular employees who are British nationals and not engaged in any private occupation for gain in the United States may be extended, on a basis of reciprocity, the privilege of free entry upon arrival in the United States, and return from leave spent abroad, and the free importation at any time during official residence of articles not prohibited by the laws of the United States. In accordance with the provisions of Section 3002 of the Internal Revenue Code, exemption from the payment of internal revenue tax is also granted to consular officers and employees on liquor and tobacco imported by them for their personal use. Because of an interpretation by the Treasury Department, the latter exemption may not, however, be granted Trade Commissioners.

For further information of the Ambassador, there is enclosed a copy of M.T.7, a bulletin issued by the Internal Revenue Bureau, which outlines the tax exemptions granted diplomatic, consular and other officers and agencies of foreign governments. It will be noted that all diplomatic officers, members of their families and staffs, including secretaries, clerks, and servants are granted exemption from the taxes outlined in the first and second classifications. Consular and other officers and agencies of foreign governments are granted exemption from the payment of the taxes in the first classification in carrying out their official duties. However, this exemption does not extend to their personal transactions unless—in the case of consular officers only—there is in force a treaty between the United States and the country represented.

In connection with the foregoing it is pertinent to mention that these exemptions and privileges are not granted to honorary diplomatic and consular officers.

DEPARTMENT OF STATE,

WASHINGTON, *February 4, 1949.*